

**FITZPATRICK, CELLA, HARPER & SCINTO**

650 Town Center Drive  
Suite 1600  
Costa Mesa, California 92626-7130  
(714)540-8700

Facsimile: (714)540-9823

**FACSIMILE COVER SHEET**

**TO:** Ms. Cheryl P. McLeod  
USPTO, Office of Patent Publication

**FROM:** Frank Cire

**RE:** U.S. Application No. 09/312,841  
Our Ref.: 00862.001426.1

**FAX NO.:** 703-746-8190

**DATE:** March 23, 2005

**NO. OF PAGES:** 22  
(including cover page)

**TIME:** 1:50 pm

**SENT BY:** Sa

**MESSAGE**

In accordance with your instruction, attached is a Petition Under § 1.181 To Withdraw Holding Of Erroneous Abandonment of the subject application.

**Certificate of Transmission**

I hereby certify that this correspondence is being  
facsimile transmitted to the Patent and Trademark  
Office:

on 3/23/05

Date

Signature

Frank L. Cire

Name of person signing certificate

**IF YOU DO NOT RECEIVE ALL THE PAGES  
PLEASE CALL 714-540-8700 AS SOON AS POSSIBLE**

**Note:** We are transmitting from a Canon Model FAX-L770  
(compatible with any Group I, Group II or Group III machine).

THIS FACSIMILE MESSAGE AND ACCOMPANYING DOCUMENTS ARE INTENDED ONLY FOR THE USE OF THE ADDRESSEE INDICATED ABOVE. INFORMATION THAT IS PRIVILEGED OR OTHERWISE CONFIDENTIAL MAY BE CONTAINED THEREIN. IF YOU ARE NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, REVIEW OR USE OF THIS MESSAGE, DOCUMENTS OR INFORMATION CONTAINED THEREIN IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS MESSAGE IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE OR FACSIMILE AND MAIL THE ORIGINAL TO US AT THE ABOVE ADDRESS. THANK YOU.

00862.001426.1

PATENT APPLICATION

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
TERUYOSHI WASHIZAWA	)	Examiner: G. Desire
Application No.: 09/312,841	)	Group Art Unit: 2625
Filed: May 17, 1999	)	Confirmation No. 3111
For: IMAGE PROCESSING	)	
APPARATUS AND METHOD	)	March 23, 2005

**ATTENTION: Ms. Cheryl P. McLeod**  
**Office of Patent Publication**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

PETITION UNDER 37 C.F.R. § 1.181  
TO WITHDRAW HOLDING OF ERRONEOUS ABANDONMENT

Sir:

This is a Petition under 37 C.F.R. § 1.181 to withdraw a holding of abandonment in the subject application. While it is believed that no fee is necessary for this Petition, should a fee be required, the Director is hereby authorized to charge any such fee to Deposit Account No. 06-1205.

## Certificate of Transmission

I hereby certify that this correspondence is being  
facsimile transmitted to the Patent and Trademark  
Office:

on 3/23/05

Date

Signature

Frank L. Cire

Name of person signing certificate

Petitioner received a Notice of Abandonment mailed on February 2, 2004, a copy of which is attached, advising that the above-identified application was abandoned for failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice Of Allowability (PTOL-37) that accompanied the Notice Of Allowance dated June 16, 2003.

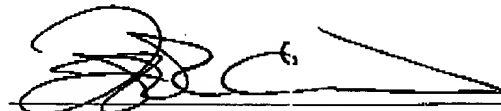
In response to the Notice of Abandonment, the petitioner submitted a Request for Withdrawal of Erroneous Abandonment dated February 24, 2004. A copy of the Request along with the Request's PTO-stamped postcard indicating the Request was received on February 25, 2004. Accordingly, a response to the Notice of Abandonment was timely filed.

Attached are copies of the copies of a Letter Transmitting Formal Drawings, addressed to Mail Stop PGPUB Drawings, and the accompanying nine (9) sheets of drawings that were attached to the Request. The Letter bears a stamp indicating that the Office of Patent Publication Director's Office received the Letter and drawings on August 13, 2003. Accordingly, the drawings were timely filed prior to payment of the issue fee on September 12, 2003.

Based on the foregoing, Petitioner submits that abandonment of the subject application is erroneous, and that Petitioner responded in a timely manner to the Notice of Abandonment. Therefore withdrawal of the Notice of Abandonment is respectfully requested.

Petitioner's undersigned attorney may be reached in our Costa Mesa, CA office at (714) 540-8700. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,



Attorney for Petitioner  
Frank L. Circ  
Registration No. 42,419

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-2200  
Facsimile: (212) 218-2200

CA\_MAIN 63620v1

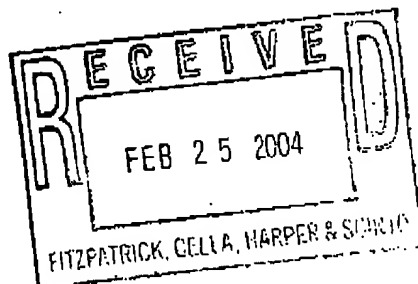
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Date 2, 25, 04  
No. 02862  
Atty. Docket 001426.1  
Application No. 312, 841

Sir:

Kindly acknowledge receipt of the accompanying:

- ☐ Response to Official Action.  
☐ Check for \$ \_\_\_\_\_ (claims fee)  
☐ Petition under 37 CFR 1.136 and Check for \$ \_\_\_\_\_  
☐ Notice of Appeal and Check for \$ \_\_\_\_\_  
☐ Information Disclosure Statement, PTO-1449 and \_\_\_\_\_ documents  
☐ Claim for priority and certified copies of \_\_\_\_\_ priority applications  
☐ Issue fee transmittal and Check for \$ \_\_\_\_\_  
☒ Other (specify) Reg. Withdraw Err. Nte. Aband. ca Nte.; Pat Repro  
Hr. Ltr Trans Dwg. (8/13/03) w/9 pgs. dwgs.  
by placing your receiving date stamp hereon and returning to deliver.

Atty. DAD/saDue Date N, D, D  
Mo. Day Yr.

00862.001426.1

PATENT APPLICATION

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
TERUYOSHI WASHIZAWA	:	Examiner: G. Desire
	)	
Application No.: 09/312,841	:	Group Art Unit: 2625
	)	
Filed: May 17, 1999	:	
	)	
For: IMAGE PROCESSING	:	
APPARATUS AND METHOD	:	February 24, 2004

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

REQUEST FOR WITHDRAWAL OF ERRONEOUS ABANDONMENT

Sir:

Applicants have received a Notice of Abandonment advising that the above-identified application has been abandoned for failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice Of Allowability (PTOL-37) that accompanied the Notice Of Allowance dated June 16, 2003.

Enclosed are copies of a Letter Transmitting Formal Drawings, addressed to Mail Stop PGPUB Drawings, and the accompanying nine (9) sheets of drawings. The Letter bears a stamp indicating that the Office of Patent Publication Director's Office

received the Letter and drawings on August 13, 2003. Accordingly, the drawings were timely filed prior to payment of the issue fee, which was paid on September 12, 2003.

Based on the foregoing, Applicant submits that the abandonment of the subject application is erroneous, and therefore withdrawal of the Notice of Abandonment, a copy of which is enclosed, is respectfully requested.

Applicant's undersigned attorney may be reached in our Costa Mesa, CA office at (714) 540-8700. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,



Attorney for Applicant

Registration No. 40,595

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-2200  
Facsimile: (212) 218-2200  
CA\_MAIN 77055 v 1



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

FEB 9 2004

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/312,841	05/17/1999	TERUYOSHI WASHIZAWA	862.1426DIV.	3111
5514	7590	02/02/2004		
FITZPATRICK CELLA HARPER & SCINTO				
30 ROCKEFELLER PLAZA				
NEW YORK, NY 10112				
			EXAMINER	
			DESIRE, GREGORY M	
			ART UNIT	PAPER NUMBER
			2625	

DATE MAILED: 02/02/2004

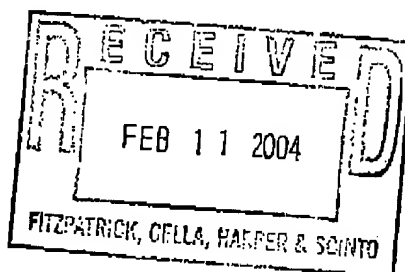
P #21

Please find below and/or attached an Office communication concerning this application or proceeding.

DAD

00861-05146.1

UNKNOWN ABAND






**UNITED STATES DEPARTMENT OF COMMERCE**  
**United States Patent and Trademark Office**

 Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
 Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
--------------------	-------------	-----------------------	---------------------

09/312, 841

EXAMINER
----------

ART UNIT	PAPER NUMBER
----------	--------------

**NOTICE OF ABANDONMENT**

DATE MAILED:

**ABANDONMENT**  
**CONTACT PERSON IS:**  
**TOM HAWKINS**  
**305-8380**

This application is abandoned in view of:

- ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on \_\_\_\_\_
- ☐ A reply (with Certificate of Mailing or Transmission of \_\_\_\_\_) was received on \_\_\_\_\_ which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_
- ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 to the final rejection.  
 (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
- ☐ A reply was received on \_\_\_\_\_, but it does not constitute a proper reply, or a *bona fide* attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in the last box below).
- ☐ No reply has been received.
- ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
- ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85) (or Notice of Publication Fee Due).
- ☐ The submitted fee of \$ \_\_\_\_\_ is insufficient. A balance of \$ \_\_\_\_\_ is due.  
 The issue fee by 37 CFR 1.18 is \$ \_\_\_\_\_. The publication fee, if required, by 37 CFR 1.18(d) is \$ \_\_\_\_\_.
- ☐ The issue fee and publication fee, if applicable, have not been received.
- ☒ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTOL-37).
- ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
- ☒ No corrected drawings have been received.
- ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all the applicants.
- ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon filing of a continuing application.
- ☐ The decision by the Board of Patent Appeals and Interferences rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- ☐ The reason(s) below: \_\_\_\_\_

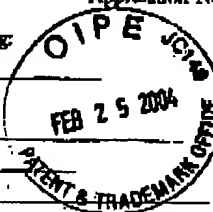
Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Date 2, 25, 04  
Mo. 02 Day 25 Yr. 04  
Atty. Docket 00/426.1  
Application No. 09/312,841

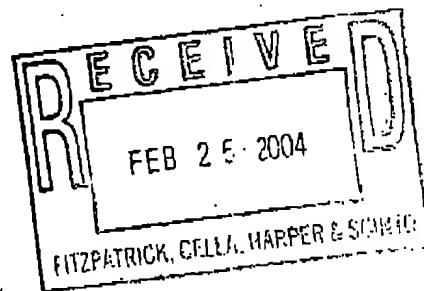
Sir: Kindly acknowledge receipt of the accompanying:

- ☐ Response to Official Action. \_\_\_\_\_
- ☐ Check for \$ \_\_\_\_\_ (claims fee)
- ☐ Petition under 37 CFR 1.136 and Check for \$ \_\_\_\_\_
- ☐ Notice of Appeal and Check for \$ \_\_\_\_\_
- ☐ Information Disclosure Statement, PTO-1449 and \_\_\_\_\_ documents
- ☐ Claim for priority and certified copies of \_\_\_\_\_ priority applications
- ☐ Issue fee transmittal and Check for \$ \_\_\_\_\_
- ☒ Other (specify) Reg. Withdraw. Err. Ntc. Aband. Ce. Ntc.; Pat. Repro  
1 hr. Ltr Trans Dwg. (8/3/03) w/9 shs. dwgs.
- by placing your receiving date stamp hereon and returning to deliver.



Atty. DAD/sa.

Due Date N, D, D  
Mo. Day Yr.



00862.001426.1

PATENT APPLICATION

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
TERUYOSHI WASHIZAWA	:	Examiner: G. Desire
	)	
Application No.: 09/312,841	:	Group Art Unit: 2625
	)	
Filed: May 17, 1999	:	
	)	
For: IMAGE PROCESSING	:	
APPARATUS AND METHOD	:	February 24, 2004

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

REQUEST FOR WITHDRAWAL OF ERRONEOUS ABANDONMENT

Sir:

Applicants have received a Notice of Abandonment advising that the above-identified application has been abandoned for failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice Of Allowability (PTOL-37) that accompanied the Notice Of Allowance dated June 16, 2003.

Enclosed are copies of a Letter Transmitting Formal Drawings, addressed to Mail Stop PGPUB Drawings, and the accompanying nine (9) sheets of drawings. The Letter bears a stamp indicating that the Office of Patent Publication Director's Office

received the Letter and drawings on August 13, 2003. Accordingly, the drawings were timely filed prior to payment of the issue fee, which was paid on September 12, 2003.

Based on the foregoing, Applicant submits that the abandonment of the subject application is erroneous, and therefore withdrawal of the Notice of Abandonment, a copy of which is enclosed, is respectfully requested.

Applicant's undersigned attorney may be reached in our Costa Mesa, CA office at (714) 540-8700. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,



Attorney for Applicant

Registration No. 40,595

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-2200  
Facsimile: (212) 218-2200  
CA\_MAIN 77055 v 1

00862.001426.1

PATENT APPLICATION

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
: Examiner: G. Desire  
TERUYOSHI WASHIZAWA )  
: Group Art Unit: 2621  
Application No.: 09/312,841 )  
: Confirmation No.: 3111  
Filed: May 17, 1999 )  
:   
For: IMAGE PROCESSING )  
: APPARATUS AND METHOD )

Mail Stop PGPUB Drawings  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RECEIVED**

AUG 13 2003

Office of Patent Publication  
Director's OfficeLETTER TRANSMITTING FORMAL DRAWINGS

Sir:

Transmitted herewith are formal drawings to be substituted for the  
corresponding drawing sheets presently on file in the above-identified application.

Applicant's undersigned attorney may be reached in our Costa Mesa, CA  
office by telephone at (714) 540-8700. All correspondence should continue to be directed  
to our below-listed address.

Respectfully submitted,



Attorney for Applicant

Registration No. 40,595

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-2200  
Facsimile: (212) 218-2200

CA\_MAIN 65611 v 1